

Appl. No. 10/647,878
Response Dated October 23, 2007
Reply to Office Action of June 27, 2007

Docket No.: 17965
Examiner: Vo, Don Nguyen
TC/A.U. 2611

Amendments to the Drawings:

The attached sheets of drawings include changes to FIG. 1, FIG. 2, FIG. 3 and FIG. 4. These sheets, which include FIG. 1, FIG. 2, FIG. 3 and FIG. 4 replace the original sheets including FIG. 1, FIG. 2, FIG. 3 and FIG. 4. In FIG. 1, the descriptive text labels have been replaced and are legible. In FIG. 2, the previously omitted descriptive text labels have been added. In FIG. 3, a descriptive text label has been added to element 100 and the other descriptive text labels have been rewritten and are legible.

Attachment: Replacement Sheets

REMARKS

Figures

In amended FIG. 1, the descriptive text labels have been replaced and are legible. In amended FIG. 2, the previously omitted descriptive text labels have been added. In amended FIG. 3, a descriptive text label has been added to element 100 and the other descriptive text labels have been rewritten and are legible.

Summary

Claims 1-39 stand in this application. Claims 1, 6, 16, 21 and 32 are currently amended. Support for the current amendments may be found at least at Applicant's Specification, paragraph [0017]. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 6-15 and 21-31 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

35 U.S.C. § 112

Claims 32-39 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited reference. Accordingly, these amendments should not be construed in a limiting manner.

35 U.S.C. § 102

At page 3, paragraph 5 of the Office Action claims 1-5, 16-20 and 32-39 stand rejected under 35 U.S.C. § 102 as being anticipated by Richards et al., United States Patent No. 6,252,464 (hereinafter “Richards”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 6, 16, 21 and 32 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims. Furthermore, Applicant submits that the amendments are not narrowing amendments and are not being made for reasons substantially related to patentability.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for

example. Applicant submits that Richards fails to teach each and every element recited in claims 1-39 and thus they define over Richards. For example, with respect to claim 1 Richards fails to teach, among other things, the following language:

combining said phase input signal with at least a portion of a carrier wave to generate a reference phase signal.

According to the Office Action, this language is disclosed by Richards at Figures 1, 4, 10a and 10b. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Richards. Richards at the given cite, in relevant part, states:

Digital reference signal 122 represents the instantaneous phase of an alias of the desired output signal frequency specified by input signal 106 to controller 110, where the alias is disposed within the Nyquist sampling-limits of the 100 MHz clock frequency.

As indicated above, Richards arguably discloses a digital reference signal that represents the instantaneous phase of an alias of the desired output signal frequency specified by input signal 106. The digital reference signal disclosed by Richards is arguably specified only using input signal 106. By way of contrast, the claimed subject matter combines a phase input signal with at least a portion of a carrier wave to generate a reference phase signal. Applicant respectfully submits that he is unable to locate any reference within the cited portions of Richards that disclose the generation of a reference phase signal using the combination of an input signal and at least a portion of a carrier wave. Consequently, Richards fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with

respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-15, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Richards.

Claims 16 and 32 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 16 and 32 are not anticipated and are patentable over Richards for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 16 and 32. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 17-31 and 33-39 that depend from claims 16 and 32, and therefore contain additional features that further distinguish these claims from Richards.

Conclusion

For at least the above reasons, Applicant submits that claims 1-39 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims

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that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-39 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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